Pharmacopoeia, an official compendium, but its strength differed from the standard set forth in such compendium. It was labeled in part: "Tincture Digitalis U. S. P."

On January 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

679. Adulteration and misbranding of Individual Quinine Hair Treatment; misbranding of Daigneault's Eau de Quinine Hair Tonic. U. S. v. 66 Bottles of Daigneault's Eau de Quinine Hair Tonic and 488 Packages of Individual Quinine Hair Treatment. Default decree of condemnation and destruction. (F. D. C. Nos. 2644, 2645. Sample Nos. 24241–E, 24242–E.)

The labeling of these products bore false and misleading representations regarding their efficacy in the treatment of the conditions indicated hereinafter, and also failed to comply with certain mandatory labeling requirements of the law. The hair tonic contained less alcohol than the amount declared, and the hair treatment was not antiseptic as claimed in the labeling.

On August 21, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against the above-named products at Philadelphia, Pa., which had been consigned by Joseph Daigneault, alleging that the articles had been shipped in interstate commerce on or about June 3, 1940, from Malone, N. Y.; and charging that they were misbranded and that the hair treatment was also adulterated.

Analysis of the hair tonic showed that it consisted essentially of alcohol (59 percent), water, a small proportion of quinine, perfume, and coloring matter. Examination of the hair treatment showed that each package contained tubes labeled No. 1 and No. 2. The product in tube No. 1 consisted essentially of mineral oil, a small proportion of a fatty oil, and carbolic acid; and that in tube No. 2 consisted essentially of soap and water. Bacteriological tests showed that the hair treatment was not antiseptic.

The hair treatment was alleged to be adulterated in that its strength differed from and its purity or quality fell below that which it purported or was represented to possess, namely, "antiseptic." It was alleged to be misbranded (1) in that the statements "Antiseptic * * * Quinine Hair Treatment Joseph Daigneault New York Chicago * * * Removing Dandruff in one application. Promotes growth of the Hair in the worst cases and in which other treatments have failed. * * * puts it in a permanently healthy condition," represented that it was efficacious for the purposes recommended, whereas it was not efficacious for such purposes; (2) in that the label did not bear an accurate statement of the quantity of contents; and (3) in that it did not bear the common or usual names of the active ingredients.

The hair tonic was alleged to be misbranded (1) in that the following statements in the labeling, "Compounded with 68% Alcohol * * * prevents falling out and promotes growth of the Hair," were false and misleading, since it would not be efficacious for the purposes recommended; and (2) in that the label did not bear an accurate statement of the quantity of the contents. Both products were alleged to be misbranded further in that the labels did not bear the name and address of the manufacturer, packer, or distributor, since the address of the manufacturer borne on the labels was incorrect.

On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

680. Adulteration and misbranding of Bevimin. U. S. v. 43 Vials of Bevimin Vitamin B_1 Hydrochloride. Decree of condemnation and destruction. (F. D. C. No. 2365. Sample No. 1977–E.)

This product was labeled as containing 10 milligrams of vitamin B_1 per cubic centimeter, whereas it contained not more than 7 milligrams of vitamin B_1 per cubic centimeter.

On July 15, 1940, the United States attorney for the Eastern District of Virginia filed a libel against 43 vials of the above-named product at Richmond, Va., alleging that it had been shipped in interstate commerce on or about June 29, 1939, by the Loeser Laboratory, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess, namely, (label) "Each c.c.=10 MG.=3000 I.U." and (carton) "Each cc. contains 10 Mg. (3,000 I.U.)," since it did not contain 10 milligrams of vitamin B_1 per cubic centimeter, but did contain a smaller amount. It was alleged to be misbranded

in that the statements on the label and carton quoted hereinbefore were false and misleading since they were incorrect.

On January 7, 1942, the sole intervenor having withdrawn its appearance, judgment of condemnation was entered and the product was ordered destroyed.

681. Adulteration and misbranding of Coreco Vitamins A–B_1–G–D Capsules. U. S. v. 512 Boxes of Coreco Vitamins A–B_1–G–D Capsules. Default decree of condemnation and destruction. (F. D. C. No. 6777. Sample No. 23110–E.)

Each of these capsules was represented to contain 50 International Units of vitamin B_1 and 1,000 U. S. P. units of vitamin D; whereas examination showed that they contained less than 12.5 International Units of vitamin B_1 and not more than 850 U. S. P. units of vitamin D.

On January 29, 1942, the United States attorney for the Northern District of California filed a libel against the above-named product at San Francisco, Calif., alleging that it had been shipped in interstate commerce on or about May 25, 1940, by the International Vitamin Corporation from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess, namely, 50 International Units of vitamin B_1 and 1,000 U. S. P. units of vitamin D per capsule, since it contained smaller amounts of both vitamins.

It was alleged to be misbranded in that the following statements were false and misleading since when taken in the dosage of 1 capsule per day as directed, it would not furnish "moderate amounts" of vitamins B_1 and G: "Biologically Assayed and Standardized * * * each capsule contains not less than: * * * 1,000 U. S. P. Units of Vitamin D, 50 International Units of Vitamin B_1 (approx. 100 Chase-Sherman Units) * * * Each capsule is equivalent in U. S. P. Units of Vitamins * * * D to not less than 3 teaspoonfuls of Cod Liver Oil U. S. P., assaying * * * 85 Vitamin D Units per gram. Each capsule furnishes * * * moderate amounts of Vitamin B_1 and G to supplement the supply of these vitamins contained in the diet."

It also was alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3425.

On March 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING STATEMENTS IN THE LABELING[3]

682. Misbranding of Castoria and Crompton's Liniment. U. S. v. Charles Crompton & Sons, Inc., and George Crompton. Pleas of guilty. Fines, $20. (F. D. C. No. 5539. Sample Nos. 36263–E, 36861–E.)

The labeling of these products bore false and misleading curative and therapeutic claims, and the labeling of Crompton's Liniment failed to bear the common or usual names of the active ingredients.

On January 19, 1942, the United States attorney for the District of Massachusetts filed an information against Charles Crompton & Sons, Inc., Lynn, Mass., and George Crompton, alleging shipment on or about December 4 and 5, 1940, from the State of Massachusetts into the State of Vermont of quantities of Castoria and Crompton's Liniment which were misbranded.

Analyses of samples of the articles showed that the Castoria consisted of sugar, alcohol, water, methyl salicylate, oil of anise, Rochelle salt, and plant extractives including senna; and that Crompton's Liniment consisted of a fatty oil and volatile oils including camphor, methyl salicylate, and probably eucalyptol.

The Castoria was alleged to be misbranded in that representations in the labeling that it was a remedy for regulating stomach and bowels; was especially useful in convulsions, colic, feverishness, diarrhea, sour stomach, loss of sleep, and worms; and that it would aid digestion and promote rest, were false and misleading since it would not be efficacious for such purposes.

Crompton's Liniment was alleged to be misbranded in that representations in the labeling that it would be efficacious in the treatment of rheumatic pains, numbness of the limbs, contraction of the muscles, pains in the side, chest, and back, hoarseness, sore throat, quinsy, and common and severe cases of headache, were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded further in that it was fabricated from two or more

[3] See also Nos. 657–659, 661, 662, 664, 665, 667, and 668.